

Elizabeth J. Cabraser (CA SBN 083151)
ecabraser@lchb.com
Kevin R. Budner (CA SBN 287271)
kbudner@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Jonathan D. Selbin (CA SBN 170222)
jselbin@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
250 Hudson Street, 8th Floor
New York, NY 10013
Telephone: (212) 355-9500
Facsimile: (212) 355-9592

Robert Klonoff (Pro Hac Vice)
klonoff@usa.net
ROBERT H. KLONOFF, LLC
2425 SW 76th Ave.
Portland, OR 97225
Telephone: (503) 291-1570

DAVID F. MCDOWELL (CA SBN 125806)
DMcDowell@mofo.com
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, California 90017-3543
Telephone: 213.892.5200
Facsimile: 213.892.5454

ERIN M. BOSMAN (CA SBN 204987)
EBosman@mofo.com
JULIE Y. PARK (CA SBN 259929)
JuliePark@mofo.com
KAI S. BARTOLOMEO (CA SBN 264033)
KBartolomeo@mofo.com
MORRISON & FOERSTER LLP
12531 High Bluff Drive
San Diego, California 92130-2040
Telephone: 858.720.5100
Facsimile: 858.720.5125

*Attorneys for Plaintiffs, individually and
on behalf of all others similarly situated*

Attorneys for Defendant Fitbit, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROB DUNN, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

Case No. 16-cv-00036-JD; 16-cv-00777-JD

**SECOND JOINT REPORT REGARDING
STATUS OF ARBITRATION
PROCEEDINGS**

Crtrm: 11, 19th Floor

The Honorable James Donato

Pursuant to the Court's July 24, 2018 Order Re Arbitration Proceedings, Dkt. No. 153,¹ the parties submit this *second* joint report regarding the status of the arbitration captioned, *Kate McLellan v. Fitbit, Inc.*, AAA Case No. 01-18-0001-3597 (the "Arbitration").

Claimant submitted an opening brief regarding arbitrability and scope on October 30, 2018. Respondent filed its response on November 16, 2018, and Claimant filed her reply on November 26, 2018. The parties attended an in-person hearing on December 7, 2018. Per the Arbitrator's request, the parties submitted supplemental briefing following the hearing and are due to provide additional supplemental submissions on January 23, 2019.

Dated: January 22, 2019

MORRISON & FOERSTER LLP

By: s/ David F. McDowell
David F. McDowell

Attorneys for Defendant
FITBIT, INC.

Dated: January 22, 2019

LIEFF CABRASER HEIMANN & BERNSTEIN,
LLP

By: s/ Jonathan D. Selbin
Jonathan D. Selbin

Attorneys for Plaintiffs, individually and behalf
of all others similarly situated

¹ See Dkt. No. 153 at 10:15-16.

ECF ATTESTATION

I, David F. McDowell, am the ECF User whose ID and Password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: January 22, 2019

MORRISON & FOERSTER LLP

By: s/ David F. McDowell

David F. McDowell

Attorneys for Defendant
FITBIT, INC.